

DOCKET FILE COPY ORIGINAL

July 7, 1998

Ms. Magalie Romain Salas, Secretary
Federal Communications Commission
Room 222
1919 M St. NW
Washington, D.C. 20554

Re: Petition for Rule Making
Change Community of License
from Ft. Bridger, Wyom. to Hyrum, Utah

Dear Ms. Salas:

Enclosed please find an original and five copies of a
Petition for Rule Making, filed on behalf of L. Topaz Enterprises,
Inc., requesting the substitution of Channel 356C1 at Fort Bridger,
Wyoming to Channel 356C3 at Hyrum, Utah, as that community's first
local FM service; in accordance with Section 1.420 (i) of the
Commission's Rules.

If this proposal is ultimately adopted, L. Topaz Enterprises,
Inc. will promptly apply for authority to construct and operate
a new station at Hyrum, Utah.

An additional copy of this letter is enclosed. Please
date-stamp and return to me in the enclosed postage-paid envelope.

If you have any questions, please contact me at: (608)831-8708.

Enclosures:

cc: John A. Korousos

Chief, Allocations Branch

Sent via next day Express Mail
United States Postal Service

Respectfully submitted,

Dale A. Ganske

Dale A. Ganske, President
L. Topaz Enterprises, Inc.
5546-3 Century Ave.
Middleton, Wi. 53562

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket _____
Table of Allotments,) RM - _____
FM Broadcast Stations)
(Fort Bridger, Wyoming)
and Hyrum, Utah)

To: The Chief, Allocations Branch

PETITION FOR RULE MAKING

Comes now L. TOPAZ ENTERPRISES, (hereafter "Topaz"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to substitute FM Channel 256C3 for FM Channel 256C1 at Fort Bridger, Wyoming, and to reallocate the channel from Fort Bridger, Wyoming, to Hyrum, Utah, as that community's first local FM service.

Proposal of Petitioner:

<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Fort Bridger, Wyoming	256C1	---
Hyrum, Utah	---	256C3

Topaz also requests a concomitant modification of its Construction Permit (BPH-970703MN) to specify Hyrum, Utah, as its community of license.

The allotment of Channel 256C3 to Hyrum is mutually-exclusive with Channel 256C1 at Fort Bridger, Wyoming. As such, Topaz seeks to invoke the provisions of Section 1.420(i) of the Commission's Rules, which permit the modification of a station's license to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest. 1/

In support of this proposal, the following information is herewith submitted for consideration:

Hyrum is an incorporated city located in Cache County in northeastern Utah, approximately 100 kilometers north of Salt Lake City, Utah. The city population is 4,829 and the county population is 70,183. 2/ Currently, there are no broadcast stations (AM, FM or TV) licensed to serve Hyrum, Utah. By contrast, the tiny community of Fort Bridger, Wyoming, although incorporated, has a population of only 150 people. Fort Bridger is located in a sparsely populated rural area approximately 49 kilometers east of Evanston, Wyoming (population 10,903), and does not possess a business community of sufficient size to support a commercial radio station. Deletion of Channel 256C1 from Fort Bridger does not constitute removal of the community's sole broadcast service, inasmuch as the station has never been on the air (Topaz's construction permit was granted June 12, 1998). Fort Bridger will continue to receive service from stations in Evanston, Wyoming and Green River, Wyoming.

1/ See *Modification of FM and TV Authorizations to Specify a New Community of License* ("Change of Community R&O"), 4 FCC Rcd 4870 (1989), recon. granted in part ("Change of Community MO&O"), 5 FCC Rcd 7094 (1990).

2/ Population figures from the 1990 U.S. Census.

The allotment of Channel 256C3 at Hyrum, Utah, would further the objectives of Section 307(b) of the Communications Act of 1934, as amended, by providing a first local service at Hyrum, Utah, a community more than 30 times more populous than Fort Bridger, Wyoming. However, should another party express an interest in establishing a commercial station at Fort Bridger, Wyoming, Channel 260C1 and several lower class channels (including 226A and 229C3) are also available for assignment to Fort Bridger (a Channel Study for each of the specified channels is included as part of the Technical Exhibit attached hereto).

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Hyrum, Utah, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction. There is ample area in the vicinity of Hyrum in which to locate a transmitter site that would provide the requisite city-grade (70 dBu) contour to the entire city of Hyrum.

If this proposal is adopted, L. Topaz Enterprises, Inc., will promptly apply for a construction permit to operate BPH-970703MN at Hyrum, Utah. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

15

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,
L. TOPAZ ENTERPRISES, INC.

Dale A. Ganske

Dale A. Ganske, President
5546-3 Century Avenue
Middleton, WI 53562
(608) 831-8708

by:

CONTEMPORARY COMMUNICATIONS

Larry G. Fuss

Larry G. Fuss, President
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July 6, 1998



Contemporary Communications

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
SUBSTITUTION OF CHANNEL 256C3
FOR CHANNEL 256C1
AT FORT BRIDGER, WYOMING AND
REALLOCATION OF CHANNEL 256C3
TO HYRUM, UTAH**

L. TOPAZ ENTERPRISES, INC.

Prepared July 5, 1998

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TECHNICAL EXHIBIT

**IN SUPPORT OF
PETITION FOR RULE MAKING
SUBSTITUTION OF CHANNEL 256C3
FOR CHANNEL 256C1
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TO HYRUM, UTAH**

L. TOPAZ ENTERPRISES, INC.

INTRODUCTION

This Technical Exhibit supports the petition of L. TOPAZ ENTERPRISES, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by substituting FM Channel 256C3 for Channel 256C1 at Fort Bridger, Wyoming, and the reallocation of Channel 256C3 to Hyrum, Utah, as that community's first local FM channel. L. Topaz also seeks to modify its Construction Permit (File No. BPH-970703MN) to specify Hyrum, Utah, as its community of license, pursuant to Section 1.420(i) of the Commission's Rules.

ALLOCATION

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 256C3 could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel

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and IF separations. The results of that study indicate that Channel 256C3 may be allocated to Hyrum in full compliance with Section 73.207(b), without the imposition of a site-restriction. The allocation of Channel 256C3 at Hyrum, Utah, is mutually-exclusive with Channel 256C1 at Fort Bridger, Wyoming, and would require the deletion of Channel 256C1 at Fort Bridger, in accordance with Section 1.420(i) of the Commission's Rules. Although Channel 256C1 represents Fort Bridger's sole FM allotment, no station has ever operated at Fort Bridger, therefore the deletion of Channel 256C1 from Fort Bridger would not deprive the community of any existing broadcast service. Furthermore, should another party express an interest in a channel at Fort Bridger, alternate channels are available for assignment, including Channel 260C1 and several lower-class channels. The larger community of Hyrum, Utah, would receive its first local broadcast service as a result of the reallocation of Channel 256C3.

The "area-to-locate" for Channel 256C3 is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Hyrum in which to locate a transmitter site. Assuming maximum Class C3 facilities (25 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

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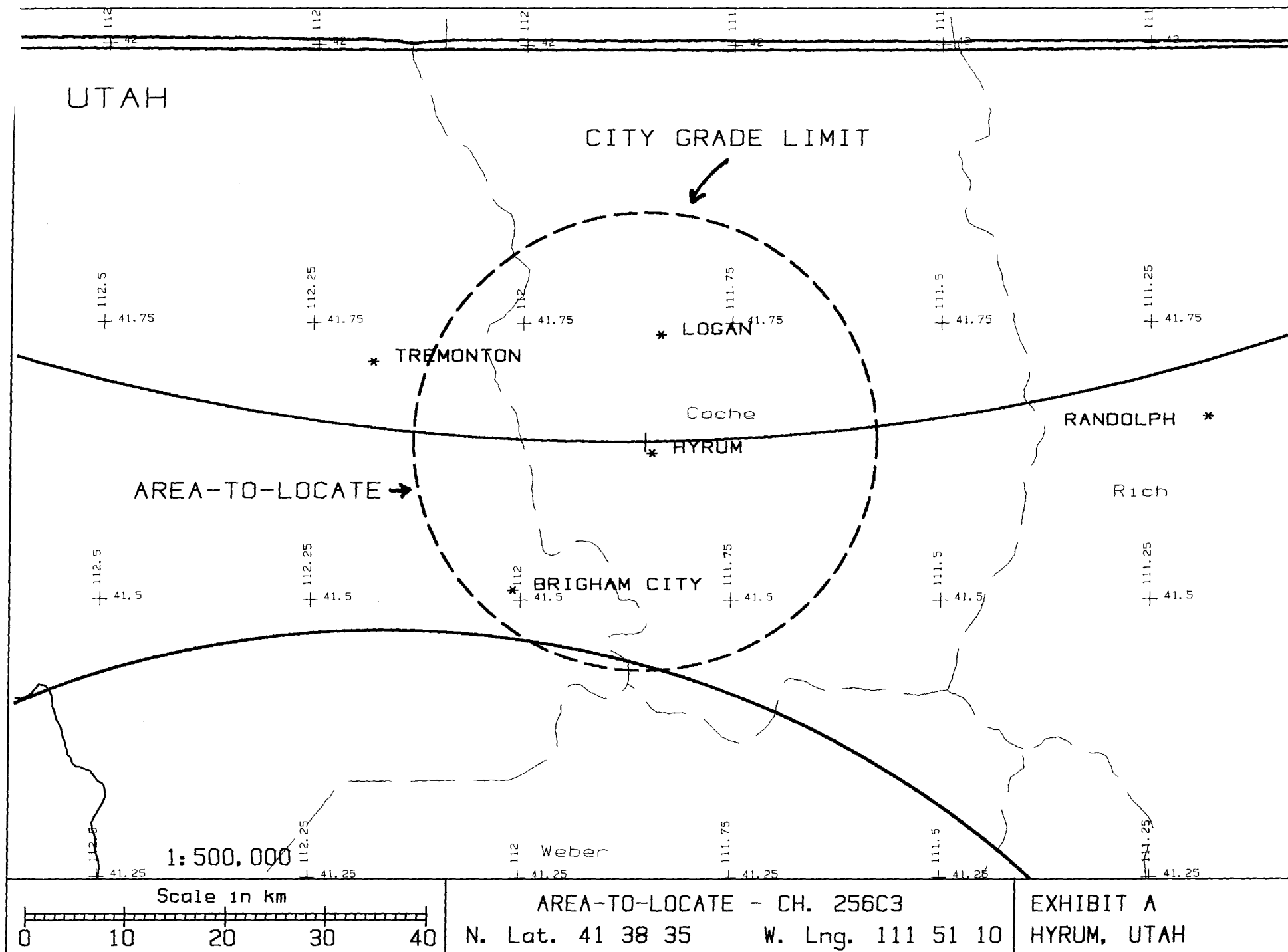
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CONCLUSION

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and other than the deletion of Channel 256C1 at Fort Bridger, Wyoming, will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 256C3 is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein). In addition, separation studies for Channel 226A, Channel 229C3 and Channel 260C1 at Fort Bridger are attached. Either of these channels could be allocated to Fort Bridger in the event another party expressed an interest in establishing an FM station at Fort Bridger.

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EXHIBIT B

NEW FM DROP-IN SEARCH
HYRUM UTAH

REFERENCE

41 38 35 N
111 51 10 W

CLASS = C3

Current Spacings

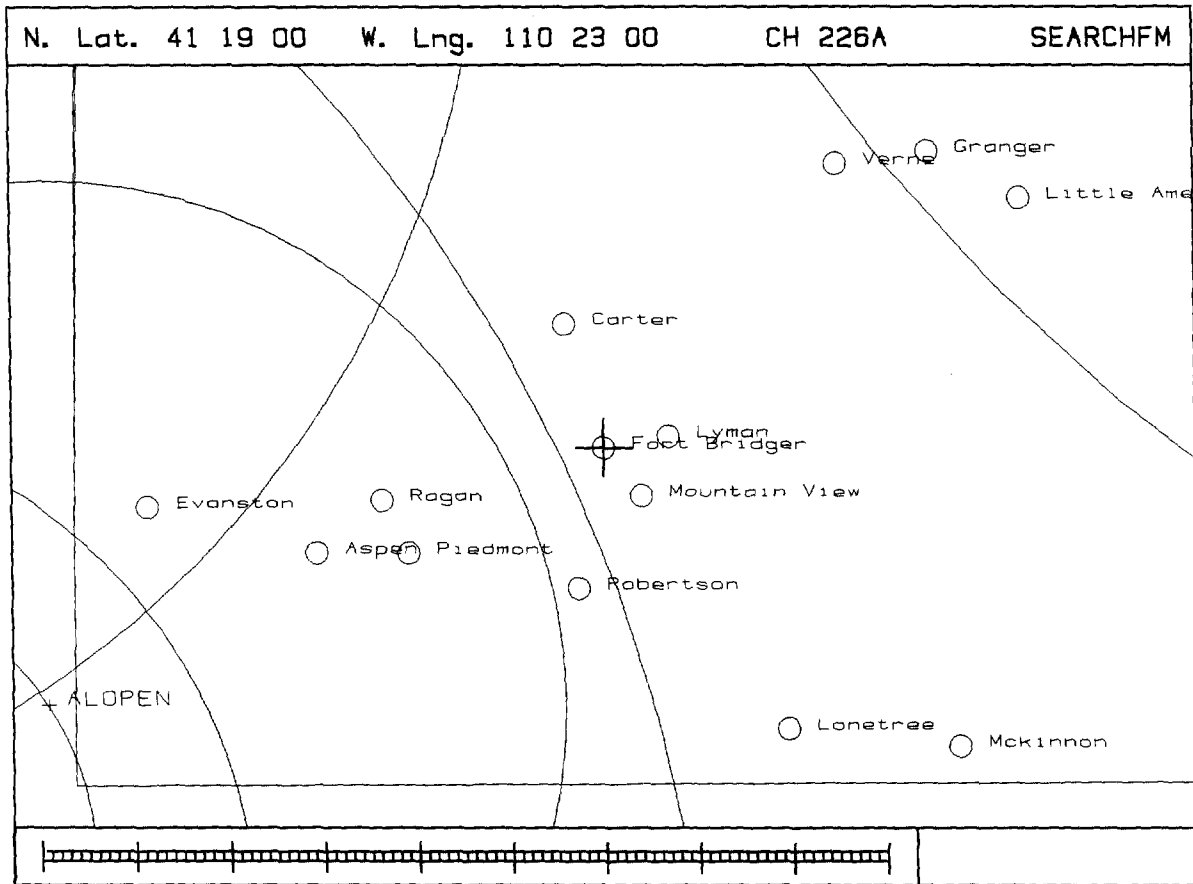
----- Channel 256 - 99.1 MHz -----

DISPLAY DATES

DATA 06-20-98
SEARCH 07-04-98

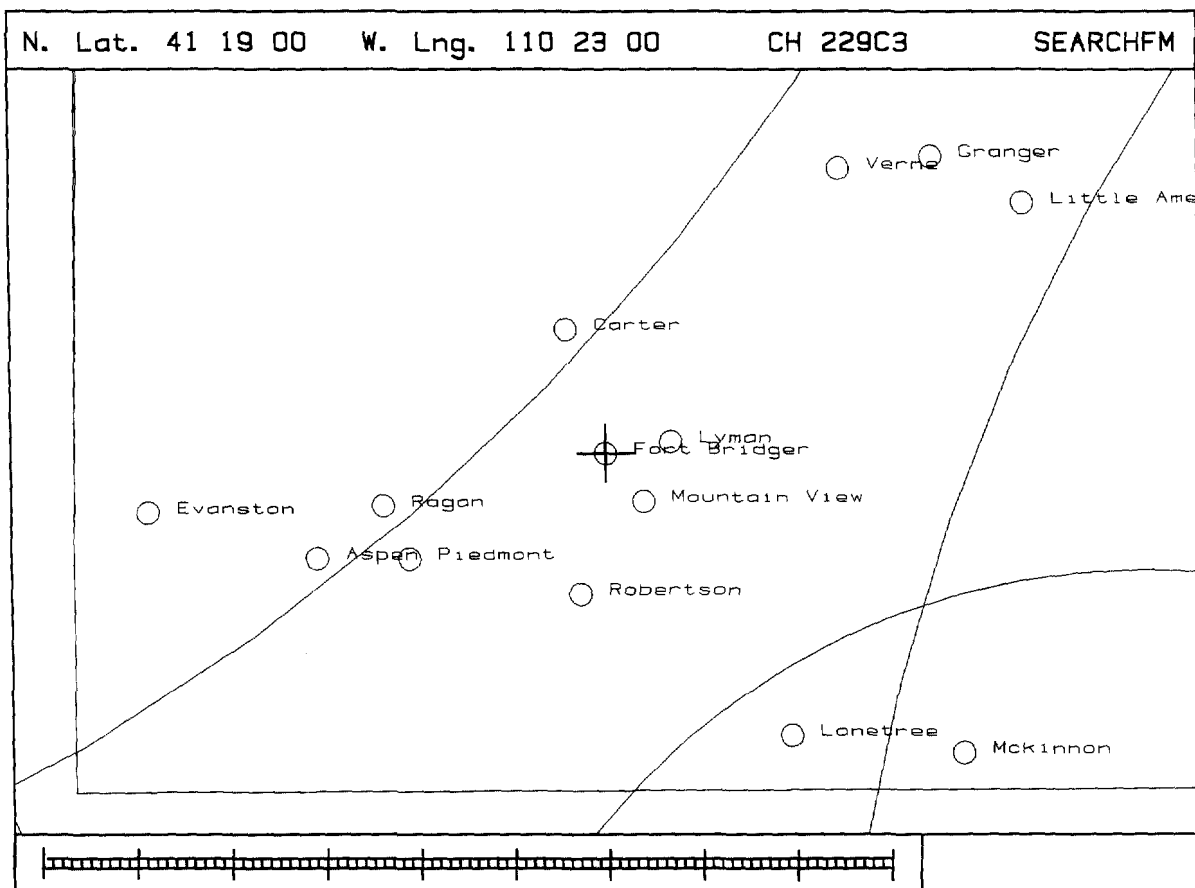
Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
CP256	CP 256C1	Fort Bridger	WY 85.28	112.0	211.0	-125.72
41 21 10	110 54 26	CN 27.500 kW	489 M			
		L Topaz Enterprises, Inc.	BPH970703MN	980612		
KUPI	LI 256C1	Idaho Falls	ID 211.01	359.3	211.0	0.01
43 32 33	111 53 04	CN 100.000 kW	176 M			
		Ray Groth Oil Company, Inc.	BLH851101KB	970619		
KBEEFM	LI 254C	Salt Lake City	UT 117.76	192.7	96.0	21.76
40 36 30	112 09 34	CN 40.000 kW	894 M			
		Citadel License, Inc.	BLH880104KB	980107		
KURR	LI 258C	Bountiful	UT 117.79	192.7	96.0	21.79
40 36 29	112 09 33	CY 40.000 kW	900 M			
		Bountiful Broadcasting, Inc.	BLH880311KC	970214		
KCPW	LI 202A	Salt Lake City	UT 98.18	178.9	12.0	86.18
40 45 33	111 49 48	CN 0.750 kW	-179 M			
		Community Wireless of Park Ci	BLED921123KE	940714		
AP256	AP 256A	Levan	UT 231.51	178.5	142.0	89.51
39 33 32	111 46 55	CN 6.000 kW	100 M			
		Micro Communications, Inc.	BPH971120MD	980304		
ALOPEN	AL 256A	Levan	UT 231.87	180.2	142.0	89.87
39 33 18	111 51 42	N 0.000 kW	0 M			
		96-230	WO= 971020	971020		
		Effective 10-20-97 per D96-230				
KRSS	LI 253C2	Chubbuck	ID 147.64	344.2	56.0	91.64
42 55 15	112 20 44	CN 6.200 kW	410 M			
		Calvary Chapel of Costa Mesa,	BLH920428KC	960321		

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NEW FM DROP-IN SEARCH
FORT BRIDGER WYOMING

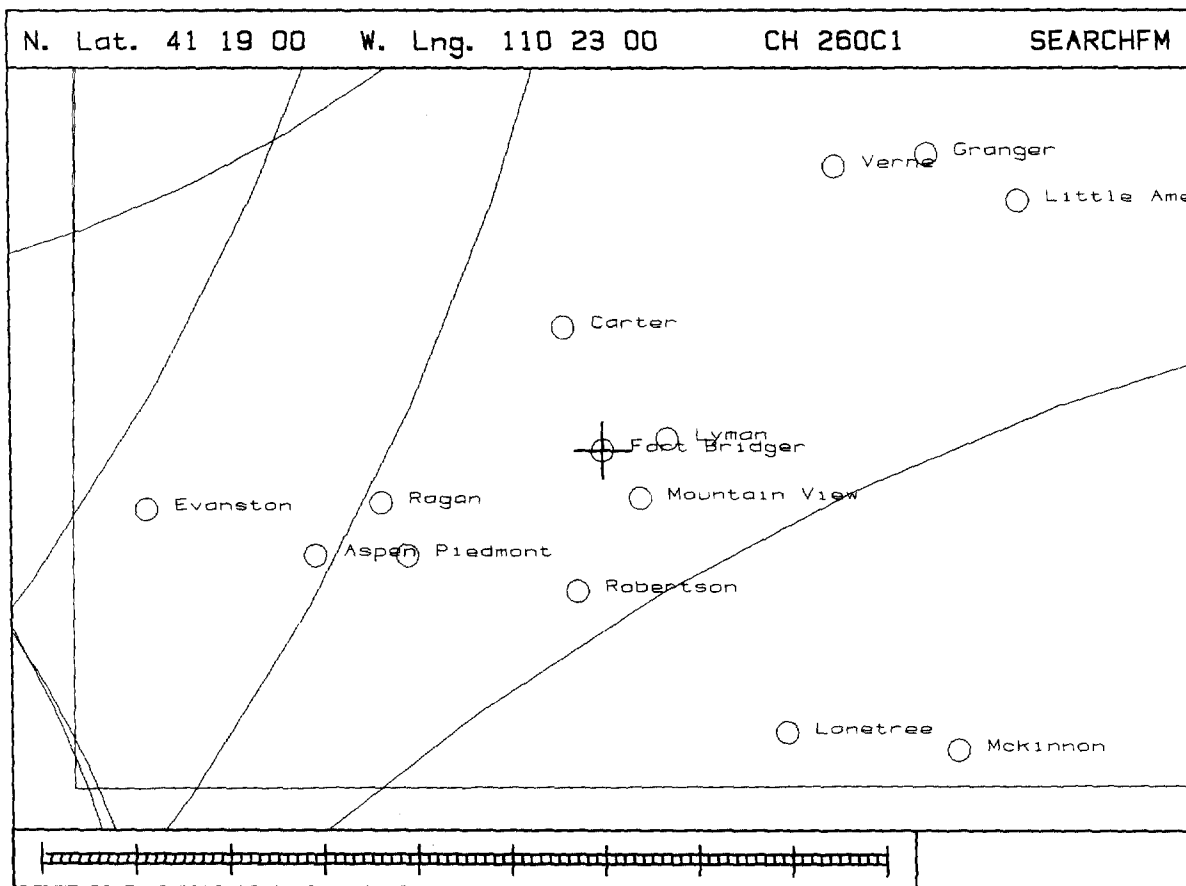
Call	CH#	Location		D-KM	Azi	FCC	Margin
KUBL	227C	Salt Lake City	UT	169.50	245.0	165.0	4.50
ALOPEN	223C2	Coalville	UT	65.11	245.4	55.0	10.11
KBLQFM	225C2	Logan	UT	133.87	298.0	106.0	27.87
KTRZ	226C1	Riverton	WY	242.19	49.1	200.0	42.19
KCUA.A	223C2	Coalville	UT	105.37	241.2	55.0	50.37
KCUA	223A	Coalville	UT	95.99	242.6	31.0	64.99



NEW FM DROP-IN SEARCH
FORT BRIDGER WYOMING

Call	CH#	Location		D-KM	Azi	FCC	Margin
KZBQ	229C	Pocatello	ID	246.27	315.1	237.0	9.27
KXRQ.C	232C1	Roosevelt	UT	105.15	147.1	76.0	29.15
KRAIFM	229C1	Craig	CO	247.73	108.5	211.0	36.73
KODJ	231C	Salt Lake City	UT	169.38	242.7	96.0	73.38
KUBL	227C	Salt Lake City	UT	169.50	245.0	96.0	73.50

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NEW FM DROP-IN SEARCH
FORT BRIDGER WYOMING

Call	CH#	Location		D-KM	Azi	FCC	Margin
KEKB	260C	Fruita	CO	286.14	150.4	270.0	16.14
KEKB.C	260C	Fruita	CO	286.14	150.4	270.0	16.14
KZDX	260C	Burley	ID	290.56	294.1	270.0	20.56
KZDX	260C	Burley	ID	315.17	296.6	270.0	45.17
KFIS	261A	Soda Springs	ID	178.92	325.8	133.0	45.92
KURR	258C	Bountiful	UT	168.95	242.7	105.0	63.95
KSFI	262C	Salt Lake City	UT	169.50	245.0	105.0	64.50
KSFI	262C	Salt Lake City	UT	169.50	245.0	105.0	64.50